

REMARKS

After entry of this response, Claims 1-41 remain pending in the present application. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

The Examiner has rejected Claims 6-8, 24-26, and 35-39 as being dependent upon a rejected base claim but containing allowable subject matter. The remaining pending claims were rejected under 35 USC 102(b) as being anticipated by Johnson or Zhang. Applicant respectfully traverses.

Claims 1-2, 9-23, 27-29, 31 and 40-41 were rejected under 35 USC 102(b) over Johnson.

In order for a reference to anticipate a claim, the reference must teach each and every element of the claim. Contrary to the Examiner's assertions, the Johnson reference fails to teach or suggest an "expandable lead pin engagement mechanism disposed within the channel" of Claim 1. The engagement mechanism is a structure positioned within the distal portion of the tool. The mechanism expands within the channel and thereby permits engagement of a pin with a lead.

Further, the Examiner asserts that in viewing the figures in the disclosed invention, the channel is defined by all of the interior surfaces in the passageway, and that these surfaces include the surfaces of the engagement mechanism. However, in at least in Claim 1, the engagement mechanism is a separate element from the distal channel. For example, Figure 2 shows a C-shaped clamp which is a separate element from the channel.

Similarly, Johnson fails to teach an expandable lead pin engagement mechanism disposed within a tool's channel, the specific means of Claims 13 and 14; an expandable engagement collar disposed within the connector channel of Claim 17; or an expandable connector pin channel disposed within the lead receiving channel of Claim 27.

Consequently, Claims 1-2, 9-23, 27-29, 31 and 40-41 are not anticipated by the Johnson reference and the rejection under 35 U.S.C. 102(b) must be withdrawn.

Claims 1-5, 9-11, 13-19, 21-23, 27-34, and 40-41 were rejected under 35 USC 102(b) as being anticipated by Zhang.

The Examiner is applying the Zhang reference as a kit of parts of figure 17 and asserts that “they would be capable of performing the functions applicant claims.” The Examiner submits two alternative presentations, both of which are discrete components representing portions of the Zhang reference. As the Examiner is well aware, the reference must be considered as a whole in its entirety. Therefore, the Examiner’s rejection must be based on the reference’s teaching in its entirety, rather than speculation as to the function that discrete components of the reference might be able to achieve.

In the Examiner’s first alternative presentation, the Examiner considers distal portion 156 “capable of performing the functions applicant claims.” At the outset, this analysis is improper for the aforementioned reason of failing to consider the invention as a whole. Furthermore, Zhang (including the distal portion 156) fails to teach or suggest an expandable lead pin engagement mechanism disposed within the channel of Claim 1; an expandable lead pin engagement mechanism disposed within a tool’s channel, the specific means of Claims 13 and 14; an expandable engagement collar disposed within the connector channel of Claim 17; or an expandable connector pin channel disposed within the lead receiving channel of Claim 27.

Additionally, the second alternative presentation, in which the Examiner combines portions 118 and 24 of Figure 17, fails to remedy the deficiencies articulated in the discussion regarding the Johnson reference with respect to the expandable engagement mechanism of Claim 1; the specific means of Claims 13 and 14; an expandable engagement collar disposed within the connector channel of Claim 17; or an expandable connector pin channel disposed within the lead receiving channel of Claim 27.

Moreover, the Examiner has taken two components out of the context of the teaching in Zhang. Again, considering Zhang as a whole, Figure 17 does not meet the claimed requirements of the disclosed invention. When the two portions 118 and 24 are fit into place, the sheath element 14 is advanced fully onto the barbed nipple 126 of portion 118, forcing portion 118 to expand and maintain a secure connection with portion 24, and thereby prohibiting rotation of portion 118 relative to portion 24 and vice versa. Therefore, the teaching in the Zhang reference does not permit the Examiner's assertion that rotation would occur between elements 118 and 24 in the context of the whole reference.

Accordingly, Claims 1-5, 9-11, 13-19, 21-23, 27-34, and 40-41 are not anticipated by the Zhang reference and the rejection under 35 U.S.C. 102(b) must be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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